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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,411	06/07/2001	Junichi Toyoda	075834.00086	7306

33448 7590 08/23/2007

ROBERT J. DEPKE
LEWIS T. STEADMAN
ROCKEY, DEPKE & LYONS, LLC
SUITE 5450 SEARS TOWER
CHICAGO, IL 60606-6306

EXAMINER	
ADDY, THJUAN KNOWLIN	
ART UNIT	**PAPER NUMBER**
2614	
MAIL DATE	**DELIVERY MODE**
08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/876,411	TOYODA ET AL.	
	Examiner	Art Unit	
	Thjuan K. Addy	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 12, 2007 has been entered. Claims 1 and 3 have been amended. No claims have been cancelled. Claims 19 and 20 have been added. Claims 1-20 are now pending in this application, with claims 1 and 3 being independent.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For example, the limitation, "wherein the electro-magnetic wave absorber is not electrically connected to the signal processing circuit", recited in claim 19, and the limitation, "wherein the electro-magnetic wave absorber is not electrically connected to the circuit", recited in claim 20, are not described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> **The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

3. Claims 2, 7, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "said conductive layer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 7 recites the limitation "said conductive layer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 8 recites the limitation "said conductive layer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 9 recites the limitation "the conductive layer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel et al (US 6,288,682), in view of Paulick (US 5,710,987).

9. In regards to claims 1, 2, 17, and 18, Thiel discloses a communication apparatus (See Fig. 1a and mobile telephone 10) comprising: an antenna (See Fig. 1b-1c and antenna 14) for transmitting and/or receiving a wireless signal, a signal processing circuit (See Fig. 3 and transceiver 78) for processing a signal corresponding to a wireless signal received by the antenna, a conductive case (See Fig. 3 and dielectric cylinder 60) for surrounding and housing all or part of the signal processing circuit, and an electro-magnetic wave absorber (See Fig. 1a-1c and structure 12) with one surface adjacent a predetermined area of the conductive case for absorbing electro-magnetic waves and thereby reducing electro-magnetic waves reaching a user of the communication apparatus, and a conductive member (See Fig. 1c and conductive sheet 22) provided at another surface of the electro-magnetic wave absorber and being electrically connected to the conductive case (See col. 4 lines 37-49). Although Thiel discloses a signal processing circuit for processing a signal corresponding to a wireless signal received by the antenna. Paulick, more specifically, discloses a signal processing circuit (See Fig. 2 and radiotelephone transceiver circuitry 224) for

processing a signal corresponding to a wireless signal received by the antenna (See col. 3 lines 4-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ these limitations within the apparatus as a way for the portable electronic apparatus or communication apparatus to receive and transmit signals.

10. In regards to claims 3, 7, and 9, Thiel discloses all of claims 3, 7, 8, 9, 12, 13, 15, and 16 limitations, except a portable telephone comprising: a circuit for generating a wireless signal corresponding to said sound signal generated by said microphone. Paulick, however, discloses a circuit for generating a wireless signal corresponding to said sound signal generated by said microphone (See Fig. 1 and microphone 116) (See col. 3 lines 4-19).

11. In regards to claims 4 and 14, Thiel discloses all of claims 4 and 14 limitations, except a portable telephone, wherein said circuit comprises: a transmitting circuit for generating a wireless signal corresponding to a sound signal from the microphone, a receiving circuit for generating a sound signal in response to a wireless signal received by the antenna and outputting the sound signal, and a printed circuit board containing the transmitting circuit and the receiving circuit. Paulick, however, discloses a portable telephone, wherein said circuit comprises: a transmitting circuit (See Fig. 2 and transceiver circuitry 224) for generating a wireless signal corresponding to a sound signal from the microphone (See col. 3 lines 4-19), a receiving circuit (See Fig. 2 and pager receiver circuitry 218) for generating a sound signal in response to a wireless signal received by the antenna and outputting the sound signal (See col. 3 lines 4-19),

and a printed circuit board (See Fig. 2 and printed circuit board 226) containing the transmitting circuit and the receiving circuit (See Fig. 2).

12. In regards to claims 5, 6, and 10, Thiel discloses a portable telephone, wherein said electro-magnetic wave absorber (See Fig. 1a-1c and structure 12) is arranged at a surface of said shield case close to a head of a user of the portable telephone at the time of a call (See col. 2-3 lines 56-7 and col. 4 lines 57-61).

13. In regards to claim 8, Thiel discloses a portable telephone, wherein said conductive layer and said shield case are connected by a metal wiring (See col. 4 lines 37-49 and col. 5 lines 48-67).

14. In regards to claim 11, Thiel discloses a portable telephone, wherein said electromagnetic wave absorber is made in a desired shape from a mixture of said magnetic loss material (e.g., dielectric loss material 24) and a synthetic resin (See col. 4 lines 37-49 and col. 4 lines 62-67).

15. In regards to claim 12, Thiel discloses a portable telephone, further comprising: said feeder used for connecting the switching circuit and the antenna, and the electro-magnetic wave absorber is closely bonded to a portion of the shield case located between the feeder and the receiver (See col. 4 lines 37-49). Paulick, however, discloses a switching circuit and a feeder on the printed circuit board for supplying the wireless signal from the transmitting circuit to the antenna and supplying the wireless signal from the antenna to the receiving circuit (See Fig. 2, printed circuit board 226, and col. 3 lines 4-19).

16. In regards to claim 13, Thiel discloses a portable telephone, wherein said shield case is made of an insulating material and has a conductive layer formed on its surface (See col. 5 lines 61-67). Paulick, however, discloses said conductive layer is connected to a layer of a ground level voltage of said printed circuit board (See Fig. 2, printed circuit board 226, and col. 3 lines 4-19).

17. In regards to claim 15, Thiel discloses a portable telephone, further comprising an outer housing made of an insulating material for housing said transmitting and receiving circuit, said shield case, said electro-magnetic wave absorber, and said microphone (See col. 4 lines 37-61), wherein said receiving circuit is arranged in the vicinity of one end of said housing, said microphone is arranged in the vicinity of another end of said housing (See Fig. 1a, microphone 16, and col. 4 lines 45-49), and said antenna is a retractable antenna able to extend from said one end in the longitudinal direction of said housing (See col. 4 lines 62-67).

18. In regards to claim 16, Thiel discloses a portable telephone, further comprising a feeder for connecting said switching circuit and said antenna, wherein said electro-magnetic wave absorber is closely bonded at the portion of said shield case located between said receiving circuit and said feeder (See col. 4 lines 37-49). Paulick, however, discloses a switching circuit on said printed circuit board for supplying said wireless signal from said transmitting circuit to said antenna, and for supplying said wireless signal from said antenna to said receiving circuit (See Fig. 2, printed circuit board 226, and col. 3 lines 4-19).

19. In regards to claim 19, Thiel discloses the communication apparatus, wherein the electro-magnetic wave absorber is not electrically connected to the signal processing circuit (See col. 4 lines 37-67).

20. In regards to claim 20, Thiel discloses the portable telephone, wherein the electro-magnetic wave absorber is not electrically connected to the circuit (See col. 4 lines 37-67).

Response to Arguments

21. Applicant's arguments filed 06/12/07 have been fully considered but they are not persuasive.

22. Applicants argue that in col. 7 lines 40-41, Thiel discloses that the antenna of Fig. 3 does not guarantee a reduction in the exposure of a user to high energy radiation, but only may reduce it, and therefore, Applicants submit that the Examiner's combination of the alternative embodiments of Thiel is improper and is not supported by the reference. Applicants state that the reflector (e.g., structure) 12 of Thiel is not an electromagnetic wave absorber, and is not comprised of electromagnetic wave-absorbing material. Applicant's further argue that Thiel, nor Paulik disclose a signal processing circuit for processing a signal corresponding to a wireless signal received by the antenna.

23. In response to Applicants' argument that in col. 7 lines 40-41, Thiel discloses that the antenna of Fig. 3 does not guarantee a reduction in the exposure of a user to high energy radiation, but only may reduce it, and therefore, Applicants submit that the Examiner's combination of the alternative embodiments of Thiel is improper and is not

supported by the reference, Examiner respectfully disagrees. Even though col. 7 lines 40-41, of Thiel, state that the antenna of Fig. 3 may reduce a user to high energy radiation, col. 4 lines 57-61, of Thiel, state that "the structure 12 has the effect of blocking the passage of electromagnetic radiation to the user's head in the vicinity of the antenna 14, and beneficially causing the reflected radiation to act in an additive manner to maximize received or transmitted signals." Therefore, the reflector (e.g., structure 12) of Thiel is an electromagnetic wave absorber, and is comprised of electromagnetic wave absorbing material.

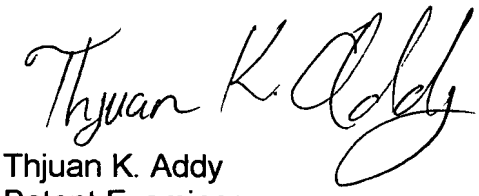
24. In response to Applicants' argument that Thiel, nor Paulik disclose a signal processing circuit for processing a signal corresponding to a wireless signal received by the antenna, Examiner respectfully disagrees. Thiel discloses a signal processing circuit (See Fig. 3 and transceiver 78) for processing a signal corresponding to a wireless signal received by the antenna, and Paulik, also, discloses a signal processing circuit (See Fig. 2 and radiotelephone transceiver circuitry 224) for processing a signal corresponding to a wireless signal received by the antenna (See col. 3 lines 4-19).

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thjuan K. Addy
Patent Examiner
AU 2614